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200.1070CON3

UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: Benjamin OSHLACK, et al.

Serial No.: 10/054,726

Filed: November 12, 2001

For: **STABILIZED CONTROLLED RELEASE  
SUBSTRATE HAVING A COATING DERIVED  
FROM AN AQUEOUS DISPERSION OF  
HYDROPHOBIC POLYMER**

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX: MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

July 10, 2002

SIR:

In response to the Notice To File Missing Parts of Application dated April 10, 2002, a copy of which is enclosed, please find a substitute specification in compliance with the requirements set forth in the above Notice. It is respectfully submitted that the substitute specification contains no new matter.

Applicants further note that in the above Notice, besides mentioning that the specification needed to be replaced, it also referred to the drawings as being unacceptable. However, drawings were never filed with the present application. Accordingly, no replacement drawings have been

I hereby certify that this correspondence and/or documents and/or fee referred to as attached therein are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on July 10, 2002.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: Frederic Davidson

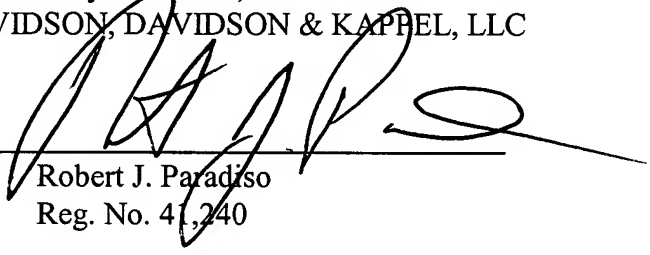
submitted herewith.

Also enclosed is a check in the amount of \$870.00 covering the statutory basic filing fee (\$740.00) and statutory surcharge (\$130.00). In addition, a petition for a one month extension of time for responding to the above notice is also enclosed herewith, along with the \$110.00 petition fee.

If any additional fees are deemed to be due at this time, the Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By

  
Robert J. Paradiso  
Reg. No. 41,240

Davidson, Davidson & Kappel, LLC  
1140 Avenue of the Americas, 15th Floor  
New York, New York 10036  
(212) 997-1028

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/054,726	11/12/2001	Benjamin Oshlack	200.1070CON3

CONFIRMATION NO. 4195

23280  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

FORMALITIES LETTER



\*OC00000007842011\*

Date Mailed: 04/10/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 870.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - The specification cannot be scanned or properly stored. Page(s)
    - 1-42 do not comply with the size requirements (8 ½ by 11 inches or 21.0 by 29.7 cm). *The drawings filed are unacceptable because:  
Replacement page(s), together with a statement that the replacement page(s) contain no new matter, are required.*

08/01/2002 JADD01 00000055 10054726

01 FC:101 740.00 OP  
02 FC:105 130.00 OP

*A copy of this notice **MUST** be returned with the reply.*

20020410 09:24:50

IN THE UNITED STATES PATENT & TRADEMARK OFFICE A3

Re: Application of: Benjamin OSHLACK, et al.  
Serial No.: 10/054,726  
Filed: November 12, 2001  
For: **STABILIZED CONTROLLED  
RELEASE SUBSTRATE HAVING A  
COATING DERIVED FROM AN  
AQUEOUS DISPERSION OF  
HYDROPHOBIC POLYMER**

BOX: Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

July 22, 2002

**COMMUNICATION RE RESUBMISSION  
OF DOCUMENTS RETURNED TO SENDER**

S I R:

In response to the Notification of Missing Requirements, dated April 10, 2002, the undersigned attorney mailed to the U.S. Patent and Trademark office on July 10, 2002 the following documents and items:

- (1) a copy of the Notification of Missing Requirements;
- (2) a response to the Notification of Missing Requirements;
- (3) a substitute specification;
- (4) a check in the amount of \$870.00 for the Statutory Basic Filing Fee and Surcharge;
- (5) a petition for One-Month Extension of Time; and
- (6) a check in the amount of \$110.00 to cover the one-month extension of time.

The above documents were accompanied by a return receipt postcard and included a signed Certificate of First Class Mailing, and these documents were all mailed

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by first class U.S. mail in an envelope with sufficient postage to the Assistant Commissioner for Patents.

On July 12, 2002, the undersigned attorney's law firm received all these documents returned by the Post Office, and they are hereby being resubmitted to the USPTO. On the front of the envelope, the return address of the undersigned's law firm was circled in blue ink, but no explanation was provided as to why the documents were returned to sender. We believe that the Post Office erroneously delivered the above documents to the return address, i.e. the undersigned's law firm, indicated on the label of the front of the envelope instead of to the recipient indicated on the label, i.e. the USPTO.

Accordingly, Applicants resubmit all the documents and items enumerated above to the USPTO in response to the Notification of Missing Requirements, dated April 10, 2002. Applicants believe that these documents should be treated as if they had been submitted on July 10, 2002 with no additional fee due, since these documents, as mentioned above, were previously mailed on May 17, 2002 along with the requisite extension fee. However, if any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Robert J. Paradiso  
Reg. No. 41,240

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, NY 10018  
(212) 736-1940

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